

**S.B. CIVIL MISC. CONTEMPT PETITION NO.35/2007
(Gabar Ali & ors. Vs. Prem Bandhu Sharma)**

Date of Order :: 8th May 2007

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr.Varun Goyal for the petitioners

Mr.N.M.Lodha, Addl. Advocate General for the non-petitioner

Having heard counsel appearing for the non-petitioner-Tehsildar; having perused the reply submissions and photostat of the proceedings in relation to case No.84/2006 and 101/2006, the subject matter of notices Annex.2 and Annex.3 annexed with the contempt petition, this Court is satisfied that no case for proceeding against respondent for any willful disobedience of the order passed by this Court is made out.

It transpires from the reply submissions and the proceedings aforesaid that said notices were issued precisely in relation to different pieces of land than that are subject matter of the pending writ petition No.267/2006. The respondent has pointed out in the reply thus,-

"At the cost of repetition, it is submitted that the present writ petition is related with the land situated in Khasra No.26/1, Khasra No.1 min and Khasra No.19/1, whereas notice, Annex.2 is related with Khasra No.47/34 and Khasra No.47/25 situated in Chak 14 BSD so also, notice, Annex.3 is related with Khasra No.47/17 of Chak 19 BSD. This land shown is notice 283 is subject matter of different proceedings. It is further submitted that for the land situated in Khasra No.47/34, 47/25 and 47/17 the petitioners have filed appeal before Assistant Colonisation Commissioner, further proceedings in pursuance to these notices (Annexs. 2&3) have also been suspended."

Faced with such submissions of the non-petitioner, learned counsel Mr. Varun Goyal appearing for the petitioners submitted that another notice had been issued to the petitioners that relates to the land which is the subject matter of dispute in the writ petition and learned counsel prayed for some time to place the said notice on record.

This Court is clearly of opinion that the petitioners cannot be acceded such liberty to first make incorrect and incomplete submissions and not inform this Court that notices submitted alongwith contempt petition were not relating to subject land and then to improve upon the averments in the contempt proceedings by way of additional pleadings.

Having examined the record of the case, this Court is prima facie of opinion that in the name of subject litigation, the petitioners have or are trying to encroach over other pieces of land also; and seek to maintain their possession on such pieces of land taking obscure, incomplete and vague averments and without clarifying all the facts.

Having examine the matter in its totality, this Court is satisfied that no case for proceeding further in this contempt matter is made out and the contempt proceedings deserve to be dropped.

This contempt petition is, therefore, rejected and notices are discharged.

(DINESH MAHESHWARI), J.

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